

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

OGALLALA COMMUNITY HOSPITAL)	
AND HEALTH FOUNDATION,)	
)	
Plaintiff,)	7:04CV5012
)	
v.)	
)	
VITZTUM COMMERCIAL FLOORING,)	ORDER
INC., a Kansas corporation,)	
et al.,)	
)	
Defendants.)	
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VITZTUM COMMERCIAL FLOORING,)	
INC., and AMCO INSURANCE)	
COMPANY, an Iowa corporation,)	
surety,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
DEPENDABLE CHEMICAL CO., INC.,)	
and MANKINI VINYL)	
INSTALLATION,)	
)	
Third-Party Defendants.)	
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This matter is before the Court on a motion to compel filed by defendant and third-party plaintiff Vitztum Commercial Flooring, Inc. ("Vitztum") (Filing No. 220) to obtain previously requested documents from third-party defendant Dependable Chemical Co., Inc. ("Dependable"). Answers provided by Adrian Dyke, a former lab technician for Dependable involved with the research and development of Skimcrete, during his deposition casts significant doubt on Dependable's representation that it

has fully responded to all interrogatories and requests for production.

The Court is unable to ascertain whether or not Dependable has fully complied with all discovery requests and the Court will order the production of all Dependable lab notebooks for the period from December 28, 1995, through January 26, 2001, for *in camera* inspection. In addition, the Court also asks that a copy of all portions of these log books that have already been produced be submitted to the Court for comparison with the unredacted log books. These materials are to be received by the Court by 5:00 p.m. on September 22, 2006. Accordingly,

IT IS ORDERED that third-party defendant Dependable Chemical Co., Inc. will submit to the undersigned all unredacted lab notebooks for the period from December 28, 1995, through January 26, 2001, for *in camera* inspection, along with a copy of all portions of these lab notebooks by 5:00 p.m. on September 22, 2006.

DATED this 13th day of September, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court